

August 8, 2016

Lyndhurst, Ohio
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The Board of Zoning Appeals of the City of Lyndhurst met in Regular Session on Monday, August 8, 2016 at 7:30 p.m., in the Council Chamber of the Lyndhurst Municipal Center, 5301 Mayfield Road.

Members Present: Lesley Gordon, Chair
David Bader, Kimberly Colich,
Frank Novak, Russell Warren

Others Present: Ray Schmidlin, Assistant Law Director
John Maichle, Building Commissioner
Clarice J. White, Acting Secretary

It was moved by Ms. Colich, seconded by Mr. Warren that the reading of the minutes of the Regular Meeting held July 11, 2016, copies of which were mailed to all members, be dispensed with and said minutes stand approved as circulated.

The question was put to a voice vote and passed unanimously.

Motion carried.

Case No. 2016-08

Request of Rick & Amy Dow of 2043 Edenhall Drive, for a variance from Section 1160.04 (6) A (Accessory Uses, Buildings and Structures) of the Planning and Zoning Code. The variance request is to build a one hundred forty (140) square foot storage shed, in lieu of the one hundred twenty (120) square feet allowed.

Grounds for appeal and Section 1160.04 (6) A were read by Mr. Bader, Secretary.

Letters of invitation were sent to all pertinent property owners, a copy of which is made part of the permanent file.

Mr. Maichle stated no letters were received in answer to the notification sent.

The following witnesses signed the register and were sworn in by Mr. Schmidlin:

Rick Dow, 2043 Edenhall Drive
George Herdering, 2051 Edenhall Drive

Rick Dow, Appellant, testified that he currently has a two (2) car garage that is insufficient for storage of lawn furniture and lawn and garden tools when both cars are inside.

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In answer to Ms. Gordon's question regarding the larger than allowed shed, Mr. Dow testified that he would like the extra twenty (20) square feet due to the configuration of the lawn furniture; it does not fold, and the pieces are large.

In answer to Mr. Warren's question, Mr. Maichle stated that the proposed shed meets all side yard requirements; the only variance is the size of the proposed shed. He further stated that Mr. Dow's property abuts to Brainard Park, and is heavily wooded. He also stated the shed would be visible only to the neighbors on each side.

Mr. Bader stated that he likes the aesthetics of the proposed shed, and stated that the overhang of the proposed shed is four (4) feet.

Mr. Dow testified that the actual storage portion of the proposed one hundred forty (140) square foot shed is ten (10) feet by fourteen (14) feet; with the overhang, the proposed shed is fourteen (14) feet by fourteen (14) feet.

In answer to Mr. Warren's question, Mr. Maichle stated the proposed shed is eleven (11) feet high and is within the height restriction.

Mr. George Herdering, 2051 Edenhall Drive, testified that he has no objection to the granting of the variance.

FINDINGS

The Board finds that:

1. There were no objections from abutting property owners, in fact one of the two neighbors that the proposal would be most visible, spoke in favor of granting the variance.
2. The proposal is within the side yard requirements;
3. The property in question has a deep lot and abuts to Brainard Park;
4. In actuality, the request is for a sixteen (16) percent variance.

It was moved by Mr. Novak seconded by Mr. Warren that recommendation be made to Council to confirm the decision of the Board to grant requested variance based on the above findings.

Roll Call: Yeas: Gordon, Bader, Colich, Novak, Warren.
Nays: None.

Motion carried.

Case No. 2016-09

Request of Kelvin & Saranjit Pungthong of 1091 Haverston Road, for a variance from Section 1329.03 (Fences) of the Planning and Zoning Code. The variance request is to

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replace an existing rear and side yard four (4) foot high chain link fence with a six (6) foot high solid wood fence, in lieu of the required fifty (50) percent open fence.

Grounds for appeal and Section 1329.03 were read by Mr. Bader.

Letters of invitation were sent to all pertinent property owners, a copy of which is made part of the permanent file.

Mr. Maichle stated two (2) letters were received stating no objection to the requested variance. Those letters were attached to the packets and received by the Board members. The letters are from Enrica Del Genio, 1095 Haverston Road and Susan Scacia, 1092 Hansford Road.

The following witness signed the register and was sworn in by Mr. Schmidlin:

Saranjit (Sara) Pungthong, 1091 Haverston Road

Mr. Bader stated that Council had passed Ordinance No. 2016-12 in March, outlining new fence regulations.

Ms. Pungthong, Appellant, testified that brush was taken out along her and her abutting rear yard neighbor's rear property. She further testified that her property line actually goes ten (10) feet past the existing four (4) foot high chain link fence. She then testified that she would like the proposed six (6) foot high fence, which would be on three (3) sides of the property, to match the existing solid, dog eared fence along the side yard. She explained that due to the volume of traffic along Ridgebury Boulevard, a solid fence would allow for more privacy than the required fifty (50) percent open, board on board fence. She also testified that her rear yard neighbor stated that she would like a solid fence instead of the board on board style fence.

Mr. Maichle explained that the appellant recently obtained a permit to continue the solid, fence ten (10) feet to the east, along Ridgebury Boulevard only.

In answer to Ms. Pungthong's concern regarding the two types of fences not matching, Ms. Colich suggested staining the permitted board on board style fence the same color as the existing solid fence.

In answer to Mr. Novak's question, Mr. Maichle stated that it seems as though the existing solid fence along Ridgebury Boulevard had been there for quite some time.

Mr. Warren explained that the reasons solid fences are prohibited are due to safety reasons; they hinder safety forces' visibility, also to avoid erecting stockade fences throughout the city, and to maintain an open feeling in the city. He then suggested planting shrubbery along the board on board fence for added privacy.

Ms. Gordon reiterated that the permit is still in place to continue a solid dog eared fence along the side yard; however the rear property line and the opposite side yard would have a board on board fifty (50) percent open fence.

FINDINGS

The Board finds that:

1. The fence ordinance had just recently been revised and newly passed;
2. The appellant already has the permission and the permit to extend the existing fence, which is solid, ten (10) feet to the east;
3. This variance request is to modify the already existing permit.

It was moved by Ms. Gordon, seconded by Mr. Bader that recommendation be made to Council to confirm the decision of the Board to deny requested variance based on the above findings.

Roll Call: Yeas: Gordon, Bader, Colich, Novak, Warren
Nays: None.

Motion carried.

It was moved by Ms. Gordon, seconded by Ms. Colich that the meeting be adjourned.

The question was put to a voice vote and passed unanimously.

Motion carried, meeting
adjourned at 8:10 p.m.

Lesley Gordon, Chair

Approved: _____

Attest: _____